

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE RETROPHIN, INC. SECURITIES
LITIGATION

Case No. 1:14-cv-08376-PKC

ORAL ARGUMENT REQUESTED

**DEFENDANT MARTIN SHKRELI'S NOTICE OF
MOTION TO DISMISS THE FIRST AMENDED CONSOLIDATED COMPLAINT**

PLEASE TAKE NOTICE that, upon the First Amended Consolidated Complaint herein, dated March 3, 2015, upon the written Memorandum of Law in Support of Defendant Martin Shkreli's Motion to Dismiss the Complaint, upon the Declaration of Elissa J. Preheim, dated June 26, 2015 and the exhibits attached thereto, and upon all of the prior pleadings and proceedings had herein, Defendant Martin Shkreli, by the undersigned counsel, will move this Court, at a date and time selected by the Court, in the Courtroom of Hon. P. Kevin Castel, for the following relief:

1. An Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint for failure to state a claim for which relief may be granted and entering judgment of dismissal with prejudice;
2. Or, alternatively, an Order pursuant to Rule 9(b) of the Federal Rules of Civil Procedure and/or the Private Securities Litigation Reform Act, 15 U.S. Code § 78u-4 *et seq.*, dismissing with prejudice all claims as against Defendant Martin Shkreli for failure to allege those claims or elements necessary to those claims with sufficient particularity; and
3. Such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that all opposition papers, if any, shall be filed and served by July 27, 2015 and all reply papers, if any, shall be filed by August 14, 2015 as ordered by the Court in its Endorsed Order dated May 26, 2015 (Dkt. 34).

Dated: June 26, 2015
New York, New York

ARNOLD & PORTER LLP

By: /s/ Elissa J. Preheim
Elissa J. Preheim
Scott B. Schreiber
Daniel M. Friedman (*pro hac pending*)
555 Twelfth Street, NW
Washington, DC 20004-1206
202.942.5000
202.942.5999 (fax)
Elissa.Preheim@aporter.com
Scott.Schreiber@aporter.com
Daniel.Friedman@aporter.com

Mark R. Sylvester
399 Park Avenue
New York, NY 10022-4690
212.715.1000
212.715.1399 (fax)
Mark.Sylvester@aporter.com

Attorneys for Defendant Martin Shkreli